

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

ASHLEY MCDANIELS, *et al.*

Plaintiffs,

v.

WESTLAKE SERVICES, LLC  
D/B/A WESTLAKE FINANCIAL SERVICES

Defendant.

Case No. 1:11-cv-1837-BEL

---

**MOTION TO STAY FINAL APPROVAL BRIEFING DEADLINE  
AND FAIRNESS HEARING OF CLASS ACTION SETTLEMENT AND FOR  
EXPEDITED BRIEFING AND CONSIDERATION OF MOTIONS**

Representative Plaintiff Ashley McDaniels, on behalf of herself and all others similarly situated, by and through undersigned counsel, respectfully moves pursuant to Fed. R. Civ. P. 7 and 16 and Local Rule 105(9), to stay the final approval briefing deadline and Class Action Settlement Agreement Fairness Hearing, to expedite the briefing schedule and consideration of this Motion and to set briefing schedule for Plaintiff's Motion to Vacate Preliminary Approval Order to be filed on Friday, May 18, 2012.

Counsel for Plaintiff notified Counsel for Defendant Westlake Services, LLC of his intention to file this Motion and the relief that would be requested. Defendant notified Counsel for Plaintiff that it does not consent to any of the relief requested in this Motion.

Plaintiff's requests for relief in this Motion are appropriate because the Court should make a determination of the relief requested herein before the Court considers Plaintiff's Motion to Vacate Preliminary Approval Order, any Motion for Final Approval and before the Court holds the Fairness Hearing scheduled for June 14, 2012 at 3:00pm. For support and as will be explained in more detail in Plaintiff's Motion to Vacate Preliminary Approval Order to be filed

Friday, May 18, 2012, Plaintiff states that Defendant Westlake misrepresented material facts in settlement negotiations as memorialized by the Settlement Agreement (ECF #14-2) which induced Plaintiff, through Class Counsel, to recommend the terms of the Settlement Agreement. Confirmatory Discovery undertaken since the entry of the Preliminary Approval Order (ECF #15) and conversations with Class Members have proven that Defendant Westlake's representations were not accurate. The Class would not have entered into the Settlement Agreement under the terms of the Settlement Agreement had Westlake accurately represented its efforts to cure the statutory violations alleged in the Class Action Complaint. For this reason, rather than move this Court for Final Approval of the Class Action Settlement, Plaintiff will request that this Court vacate the Preliminary Approval Order.

Since the Fairness Hearing is scheduled for June 14, 2012 and any briefing in support of Final Approval is required to be filed no later than May 28, 2012, Plaintiff feels it is necessary for expedited consideration of her request to stay this deadline and the Fairness Hearing in order for the parties to properly brief the issue of vacating the Preliminary Approval Order and for the Court to consider the Motion to Vacate Preliminary Approval Order prior to any briefing on Final Approval and holding the Fairness Hearing.

WHEREFORE, Plaintiff requests the Court grant the following relief:

1. Stay the deadline for Plaintiff to file any Motion requesting Final Approval of the Class Action Settlement currently due no later than May 28, 2012;
2. Stay the Fairness Hearing currently set for June 14, 2012 at 3pm;<sup>1</sup>
3. Order that Defendant Westlake must file any opposition to this Motion no later than May 16, 2012 and that Plaintiff must file any reply no later than May 17, 2012.

---

<sup>1</sup> The Preliminary Approval Order (ECF #15 at ¶ 20) specifically provides that the Fairness Hearing "may be postponed, adjourned or continued by order of the Court without further notice to the Classes."

4. Order that Plaintiff file her Motion to Vacate Preliminary Approval Order no later than May 18, 2012, Defendant file any opposition no later than June 1, 2012 and Plaintiff file any reply no later than June 11, 2012; and
5. Schedule a hearing on Plaintiff's Motion to Vacate Preliminary Approval Order on June 14, 2012 at 3:00pm – the date and time originally scheduled for the Fairness Hearing.

Respectfully submitted,

Z LAW, LLC

Dated: May 14, 2012

By:           /s/          28191            
Cory L. Zajdel, Esq. (Fed. Bar No. 28191)  
10811 Red Run Blvd., Suite 204  
Owings Mills, Maryland 21117  
(443) 213-1977  
[clz@zlawmaryland.com](mailto:clz@zlawmaryland.com)  
[czajdel@hotmail.com](mailto:czajdel@hotmail.com)

**Attorney for Plaintiffs**